GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services – Revenue Department – Common Disciplinary proceedings initiated under Rule 24 of APCS (CC&A) Rules, 1991 and Articles of charge framed against Sri Ch. Bhanu Prasad, the then Special Collector, Telugu Ganga Project, Nellore under Rule 20 of APCS(CC&A) Rules, 1991 –Written Statement of Defence Submitted – Further action dropped – Orders – Issued.

REVENUE (VIGILANCE – I) DEPARTMENT

G.O.Rt.No.1046 **Dated:17.10.2019**

Read the following:-

1. From the Dist. Collector, SPSR, Nellore letter dated: 21-9-2017.
2. G.O.Ms.No.115, Revenue (Vig.I) Department, dt.7.2.2019
3. G.O.Rt.No.219, Revenue (Vig.I) Department, dt.7.2.2019.
4. G.O.Rt.No.221, Revenue (Vig.I) Department, dt.7.2.2019.
5. From Sri Ch.Bhanu Prasad the then Special Collector, Telugu Ganga Project, Nellore, dt 22.08.2019.

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O R D E R:

Whereas, in the G.O.s 2nd to 4th read above, common disciplinary proceedings were initiated under Rule 24 by framing Article of charges under Rule 20 of A.P.C.S (CC & A) Rules 1991 against Sri Ch.Bhanu Prasad, the then Special Collector, Telugu Ganga Project, Nellore presently working as SDC, NH-16, Visakhapatnam and Sri B. Chengal Rao, the then Spl. Deputy Collector, Telugu Ganga Project, Nellore (Now Retired) on the allegation that, filing 18 reference after a lapse of 20 years without verifying the records properly and for payment of decretal charges as per interim orders of Hon`ble High court in LAAS MP No.317/2015 in LAAS No.62/15 dt.16.4.2015.

2. In the reference 5th read above, Sri Ch.Bhanu Prasad, the then Special Collector, Telugu Ganga Project, Nellore presently working as SDC, NH-16, Visakhapatnam has submitted his Written Statement of Defence, duly stating that, the power of referring the claim under Section 18 of the LA Act 1894 to the Civil Court entirely vested with the land acquisition officer i.e., special deputy collector Rapur who is responsible for omissions and commissions. Further, he did not accord any permission to file the application u/s 18 in the civil court and he only guided the SDC, Rapur to act as per the provision of u/s 18 prescribed under LA Act 1894 after thorough verification of relevant records once again. Therefore, he has stated that the question of mentioning of the extent does not arise, as he did not accord any permission in this regard which is not contemplated under the provision of Section 18 of LA Act 1894. Thus the contention that as a result of grant of permission for filing 18 reference without mentioning the extent, the SDC LA has filed 18 reference before the lower court for the entire extent of Ac.24.87 cts., as against Ac.19.12 cents is baseless, contrary to the evidence on record. Therefore, Sri Ch.Bhanu Prasad, SGDC has denied the charge and considered him sympathetically and also requested to drop further action in this regard.

3. Further, as per LA Act, 1894, LAO shall discharge the functions of the Collector and who shall act as quasi-judicial and statutory authority and he is only authority empowered to refer the applications received in time under Section 18 of the LA Act, 1894 to the respective Civil Court. There is no provision in the Act or Rules that a permission is required from the higher authorities to refer the applications under Section 18 of the Act to the Civil Court. As such the power of referring the claim under Section 18 of the LA Act, 1894 to the Civil Court is entirely vested with the LAO. In the instant case, the Special Deputy Collector, Rapur is the LAO and he is only responsible for any lapse in referring the applications under Section 18 of the Act to the respective civil court. As per the Act, there is no provision for the Special Collector in referring the claims under Sec.18 of the LA Act.

4. Government, after careful examination of the explanation of the charged officer and provisions of LA Act, 1894 observed that, it is evident from the record, that the charged Officer, Sri Ch. Bhanu Prasad, the then Special Collector, Telugu Ganga Project, Nellore has not granted any permission to the LAO (i.e SDC, Rapur) for referring the applications, as alleged. Moreover, the Special Collector, TGP has requested the LAO to act as per the relevant provisions of the LA Act which governs the filing of reference u/s 18 cases to the competent Court of Law which act of duty is quasi judicial and statutory of the LAO (i.e., SDC, Rapur). Therefore, Government have decided to drop further action against Sri Ch.Bhanu Prasad, the then Special Collector, Telugu Ganga Project, Nellore presently working as SDC, NH-16, Visakhapatnam.

P.T.O

5. Accordingly, Government hereby order to drop further action against Sri Ch. Bhanu Prasad, the then Special Collector, Telugu Ganga Project, Nellore presently working as SDC, NH.16, Visakhapatnam.

6. The Chief Commissioner and Land Administration & Special Chief Secretary, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Ch. Bhanu Prasad, the then Special Collector, Telugu Ganga Project, Nellore presently working as SDC, NH-16, Visakhapatnam.
(**Through the Spl.CS & Chief Commissioner of Land Administration, A.P.,Vijayawada**)
The Chief Commissioner of Land Administration & Special Chief Secretary, AP., Vijayawada.
The District Collector, SPSR Nellore District/ Visakhapatnam.
Copy to:
The Accountant General, Andhra Pradesh
The PS to Hon`ble Deputy Chief Minister (Revenue)
The PS to Special Chief Secretary to Govt.(Revenue)
The Director of Treasuries and Accounts, Andhra Pradesh
The Pay and Accounts officer, Andhra Pradesh,
The District Treasury Officer, Nellore.
SF/SC

// FORWARDED BY ORDER //

SECTION OFFICER